

**DECLARATION FOR PATENT APPLICATION**  
**and**  
**POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "**METHODS FOR MEASURING IN VIVO CYTOKINE PRODUCTION**," the specification of which

[ xx ] is attached hereto.

[ ] was filed on \_\_\_\_\_ as  
 Application Serial No.  
 and was amended on \_\_\_\_\_  
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim U.S. provisional application or foreign priority benefits under Title 35, United States Code, §119 of any U.S. provisional applications or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior U.S. Provisional or Foreign Application(s)				
			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No
60/061,167	U.S.A.	6 October 1997	X	

I hereby appoint Steven J. Goldstein, Registration No. 28,079; Edwin R. Acheson, Registration No. 31,808; Gibson R. Yungblut, Registration No. 20,581; David E. Schmit, Registration No. 28,472; Ann G. Robinson, Registration No. 39,820; Rita Mirman, Registration No. 40,093; Rustan J. Hill, Registration No. 37,351; Kevin S. Sprecher, Registration No. P-42,165; and Sean P. Hodge, Registration No. P-41,842; c/o Frost &

Jacobs LLP, 2500 PNC Center, 201 East Fifth Street, Cincinnati, Ohio 45202 (513) 651-6800 my attorneys, with full power in each of them, of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Direct all telephone calls to Steven J. Goldstein at telephone number (513) 651-6800 and address all correspondence to Steven J. Goldstein, c/o Frost & Jacobs LLP, 2500 PNC Center, 201 East Fifth Street, Cincinnati, Ohio 45202.

The undersigned hereby authorizes the above-named U.S. attorneys to accept and follow instructions from The University of Cincinnati as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the undersigned and the aforementioned U.S. attorneys. In the event of a change in the firm or persons from whom instructions may be taken, the aforementioned U.S. attorneys will be so notified in writing by the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Fred D. Finkelman

Inventor's signature



10/5/98

Date

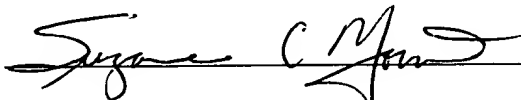
Residence: Cincinnati, Hamilton County, Ohio, 45242, U.S.A.

Citizenship: United States of America

Post Office Address 3550 Principio Avenue, Cincinnati, Ohio 45208, U.S.A.

Full name of second inventor: Suzanne C. Morris

Inventor's signature



10/5/98

Date

Residence: Mason, Warren County, Ohio 45220, U.S.A.

Citizenship: United States of America

Post Office Address: 4385 Townesend Court, Mason, Ohio 45040, U.S.A.

Applicant or Patentee: **Fred D. Finkelman and Suzanne C. Morris**  
Attorney's Docket No.: **91830/625**  
Serial or Patent No.: **60/061,167**  
Filed or Issued: **Filed on October 6, 1997**  
For: **METHODS FOR MEASURING IN VIVO  
CYTOKINE PRODUCTION**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: **UNIVERSITY OF CINCINNATI**  
ADDRESS OF CONCERN: **2600 Clifton Avenue  
Cincinnati, Ohio 45221-0623**

**TYPE OF ORGANIZATION:**

- ☒ **UNIVERSITY.** **University of Cincinnati**  
☒ **TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) AND 501(c)(3)).**  
☒ **NONPROFIT SCIENTIFIC OR EDUCATIONAL INSTITUTION UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA. (Name of State: **OHIO**)**  
☐ **WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) AND 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA**  
☐ **WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA (Name of State: \_\_\_\_\_) (Citation of Statute: \_\_\_\_\_)**

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees under §§ 41 (a) and (b) of Title 35, United States Code, with regard to the invention entitled "**METHODS FOR MEASURING IN VIVO CYTOKINE PRODUCTION**" by inventors **Fred D. Finkelman and Suzanne C. Morris** described in:

- ☐ the specification filed herewith  
☒ application serial number 60/061,167 filed October 6, 1997  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 C.F.R. 1.27)

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in the application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

TITLE OF PERSON OTHER THAN OWNER

ADDRESS OF PERSON SIGNING

Stephen R. Albainy-Jenei  
Assistant General Counsel and  
Assistant University Patent Officer  
3223 Eden Avenue  
Cincinnati, Ohio 45267-0829

Date:

5 October 98



SIGNATURE: Stephen R. Albainy-Jenei, J.D.  
Assistant General Counsel and  
Assistant University Patent Officer  
University of Cincinnati

09167088-100698

**CERTIFICATE UNDER 37 CFR 3.73(b)**

Applicant(s): Fred D. Finkelman and Suzanne C. Morris  
Application No.: 60/016,167 Filed: October 6, 1997  
For: METHODS FOR MEASURING IN VIVO CYTOKINE PRODUCTION

The University of Cincinnati  
(Name of Assignee)

a university  
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

To the best of the undersigned's knowledge and belief, title of the patent application identified above is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

Date

5 October 97

SR Jenei

Stephen R. Albainy-Jenei  
~~Assistant General Counsel~~  
Stephen R. Albainy-Jenei, J.D.  
Assistant General Counsel and  
Assistant University Patent Officer,  
University of Cincinnati

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